

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ISIAH TRUJILLO,

Petitioner,

v.

CV No. 19-584 KWR/CG

ATTORNEY GENERAL OF THE  
STATE OF NEW MEXICO, *et al*,

Respondents.

**ORDER TO ANSWER**

**THIS MATTER** is before the Court on Petitioner Isiah Trujillo's *Amended 28 U.S.C. § 2254 habeas corpus petition*, (the "Amended Petition"), (Doc. 11). The Court has reviewed the Amended Petition pursuant to 28 U.S.C. § 2254 and Habeas Corpus Rule 4 and determines the claims must be resolved on a full record.

**IT IS THEREFORE ORDERED** that the Clerk forward copies of this *Order* and the Amended Petition, (Doc. 11), to Respondent Attorney General of the State of New Mexico (the "AG").

**IT IS FURTHER ORDERED** that the AG answer the Amended Petition, (Doc. 11), by **September 3, 2020**. The AG's answer must address the merits of each claim and whether the Petitioner has exhausted his state court remedies. If the Amended Petition is mixed, and contains both exhausted and unexhausted claims, the AG should take a position on how to proceed (*i.e.* stay the case while Petitioner exhausts all claims, overlook exhaustion and dismiss on the merits, delete the unexhausted claims, etc.). The AG must attach to its answer copies of any filing pertinent to the issue of exhaustion that was filed by Petitioner in the sentencing court, the state district court, the state court of appeals, and the state supreme court, together with copies of all memoranda filed by

both parties in support or in response to those filings. The AG must also attach to the answer copies of all state court post-conviction or appellate proceedings. The answer must describe the procedural history of each claim that Respondents contend is unexhausted and identify the State procedures that are currently available to Petitioner.

**IT IS SO ORDERED.**



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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE